

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
May 9, 2023

Name of Offender: **Sergio Villanueva-Garcia**

Case Number: **2:21CR00014**

Name of Sentencing Judicial Officer: **Honorable James C. Mahan**

Date of Original Sentence: **August 19, 2022**

Original Offense: **Prohibited Person in Possession of a Firearm**

Original Sentence: **Time served, followed by 36 Months TSR.**

Date Supervision Commenced: **August 19, 2022**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 90 days. You must follow the rules and regulations of the center.

CAUSE

By way of case history, on August 19, 2022, Your Honor sentenced Villanueva-Garcia to time served followed by three (3) years of supervised release for committing the offense of Prohibited Person in Possession of a Firearm. On October 21, 2022, Villanueva-Garcia commenced supervised release in the District of Nevada.

On April 7, 2023, Your Honor took judicial notice of Villanueva-Garcia's failure to report for drug testing on November 12, 2023 and positive urinalysis for methamphetamine on March 22, 2023, and March 28, 2023.

RE: Sergio Villanueva-Garcia

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Due to his relapse, Villanueva-Garcia's drug testing was increased to six (6) times a month and he is participating in weekly substance abuse counselling. On April 15, 2023, Villanueva-Garcia failed to report for drug testing.

On May 8, 2023, Villanueva-Garcia submitted a positive drug test for methamphetamine. On May 9, 2023, the undersigned officer met with Villanueva-Garcia at the probation office to discuss noncompliance in which he admitted to using methamphetamine on Sunday May 7, 2023 and signed an Admission Report.

In response to Villanueva-Garcia's continued use of methamphetamine, it is recommended Villanueva-Garcia's conditions be modified to include placement at the Residential Reentry Center for a term of up to 90 days. It is believed Villanueva-Garcia needs the structure the RRC provides to get him back on track with supervision requirements. In addition, Villanueva-Garcia will be referred for a higher level of treatment. Villanueva-Garcia agreed to this modification as witnessed by his signature on the attached Waiver (PROB 49). This condition will enable our office to satisfy the statutory requirements to keep informed of the conduct and condition of the person under supervision and aid the person under supervision and bring about improvements in his conduct. Additionally, it will emphasize the importance of complying with all conditions, in hopes of dissuading further violation conduct. Our office will continue to monitor Villanueva-Garcia closely.

Respectfully submitted,

Nickie Pipilakis
United States Probation Officer

Approved:

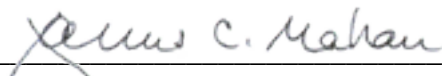
Todd J. Fredlund
Supervisory United States Probation Officer

RE: Sergio Villanueva-Garcia

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THE COURT ORDERS

- ☐ No Action.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

May 15, 2023

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada


Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


1. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 90 days. You must follow the rules and regulations of the center.

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

Date

5/9/2023